

**REPORT - PLANNING COMMISSION MEETING
November 20, 2003**

Project Name and Number: WALNUT/MISSION (PLN2003-00176; PLN2004-00032)

Applicant: Santa Clara Development Company

Proposal: To consider a General Plan Amendment to change the land use designation from Low Density Residential, 5-7 units per acre to Medium Density Residential, 15-18 units per acre, and a rezoning from R-1-6, Single-Family Residence District, to Planned District to allow the construction of twenty-five for-sale condominium units on a currently vacant.

Recommended Action: Recommend to City Council.

Location: 38987 Mission Boulevard (at Walnut Avenue) in the Central Planning Area.

APN: 507-0590-011-00

Area: 1.5 acres

Owner: Santa Clara Development Company

Agent of Applicant: John Wong, SWA Group; Gary Wincott, BKF Engineers; McLarand Vasquez & Partners

Environmental Review: An Initial Study and Draft Mitigated Negative Declaration have been prepared and circulated for this project.

Existing General Plan: Low Density Residential, 5-7 units/acre

Existing Zoning: R-1-6, Single-Family Residence District

Existing Land Use: Vacant

Public Hearing Notice: Public hearing notification is applicable. 53 notices were mailed to owners and occupants of property within a minimum radius of 300 feet from the site on the following streets: Queso Court, Ray Court, Lloyd Avenue, Matson Place, Mission Boulevard, Santos Court, and Morrison Canyon Road. The notices to owners and occupants were mailed on November 7, 2003. A Public Hearing Notice was delivered to The Argus newspaper on November 3, 2003 to be published by November 6, 2003.

Executive Summary: The applicant is requesting approval of a General Plan Amendment and Preliminary and Precise Planned District Rezoning to allow the construction of twenty-five for-sale townhouse style condominium units, including four affordable units, on a currently vacant 1.5-acre site.

Project Description: The proposed project consists of twenty-five attached, for-sale residential condominium units on a currently vacant 1.5-acre site at the west corner of the intersection of Mission Boulevard and Walnut Avenue. Four of the units, or fifteen percent of the total, will be "affordable", as required by City ordinances. The twenty-five units are to be developed with four unique floor plans within six distinct buildings. The floor plans range from a 1,024 square-foot two-bedroom, two-bath unit to a 1,542 square-foot three-bedroom, two-and-one-half-bath unit. All units will have private garages. Project access will be from driveways on both Mission Boulevard and Walnut Avenue. The buildings are proposed to be a contemporary craftsman architectural style, and the project includes full landscaping throughout the site. Because "for-sale" units are proposed, a Tentative Tract Map application, private vehicle access way (PVAW), reviewed by the Planning Commission, will be required after approval of the General Plan Amendment and Planned District.

The project site is bounded to the east and south by Mission Boulevard (State Route 238) and Walnut Avenue, respectively, to the west by existing single-family houses across active Union Pacific Railroad tracks and Overacker Avenue, and to the north by an existing church facility.

Project Analysis:

General Plan Conformance: The existing General Plan land use designation for the project site is Low Density Residential, 5-7 units per acre. Based upon the current land use designation, the development potential for the project site is up to eleven units. The applicant is requesting a General Plan Amendment to Medium Density Residential, 15-18 units per acre, to construct twenty-five dwelling units on the project site. The proposed use and design is consistent with the proposed General Plan designation, because the project meets General Plan Housing and Land Use Goals and Policies as follows:

GOAL H 2: High quality and well designed new housing of all types throughout the City.

This project would be of a high quality design and construction, and would meet this goal. The applicant is proposing professionally designed, high quality craftsman-style architecture, as discussed later, which is both appropriate for and responds to surrounding development.

GOAL H 3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City.

Housing Element Implementation Program 9B: Increasing Density on Existing Vacant Residentially designated Parcels and Underutilized Residential, commercial, and Industrially Designated Parcels.

The proposed General Plan Amendment specifically implements the goal of the Housing Element to "adopt corresponding Land Use Element and zoning changes for low-density lands" to allow the construction of additional housing units at higher densities where appropriate to meet the City's needs.

Policy LU 1.11: Appropriate transitions shall be encouraged between higher density residential areas and lower density areas, and between commercial areas and lower density residential areas. Transitions can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques.

Transitions between the adjacent residential developments are accomplished by the separation of Mission Boulevard, Walnut Avenue, and Overacker Avenue and the existing railroad tracks. Additionally, the craftsman-style architecture of the development, as well as the general size (less than three stories), height, and massing, is consistent with lower density developments. The project appropriately transitions between existing developments.

Policy LU 1.23: A variety of unit types and sizes shall be encouraged within each multi-family project.

Policy LU 1.24: Multi-family housing... shall be designed to accommodate the needs of families and children.

This project incorporates four unique floor plans of varying sizes as well as an affordable component to allow it to meet these goals and policies. The proposed units include multiple bedrooms, which will help accommodate the potential needs of families and children.

Zoning Regulations: The proposed project is a rezoning from Single-Family Residence District (R-1-6) to Planned District (PD). The applicant is proposing the Planned District zoning in order to allow the development of the site with variations to the required setbacks, coverage allowances, etc. The applicant is proposing the following amenities with this project as justification for the Planned District rezoning and higher density General Plan Designation, in accordance with Section 8-21811(e) of the FMC:

- Pedestrian orientation of the project. Typically units are provided with sidewalks and access directly to Mission Boulevard or Walnut Avenue. This will help to insure that the project maintains an overall attractive street presence rather than turning its back to the streets, as well as encouraging the general pedestrian-friendly nature of the neighborhood.
- Overall high quality architecture, site design, and landscaping are proposed. The proposed architecture includes high quality materials and design and attractive, articulated facades with variations in massing and setbacks. The site design includes a large central open space, the project is designed with a pedestrian focused circulation system that ties into the public sidewalks of both Mission Boulevard and Walnut Avenue, and large front porches are provided for the majority of the units to encourage community interaction. The currently vacant site will be completely landscaped as part of the project, turning the site into an integral part of the neighborhood.
- Development of a narrow and challenging site to meet City Housing Element goals. The development of this site is made very difficult due to the narrow shape and orientation along Mission Boulevard (State Route 238) and the existing railroad tracks. The Planned District is proposed to allow the development of this site while responding to the numerous constraints, including noise from Mission Boulevard and the railroad tracks, vibration from the railroad tracks, and site circulation and driveway orientation so close to the intersection of Mission and Walnut. The high quality development of this site at densities identified in the Housing Element would not be possible without the flexibility allowed by a Planned District.

Section 8-21811(d) of the FMC states:

"Standards for area, coverage, density, yard requirements, parking and screening for P district use(s) most similar in nature and function to the proposed P district, as determined by applicable ordinances and laws of the City [i.e. R-G – Garden Apartment Residence or R-3 – Multi-Family Residence Districts]. Exceptions to these standards by the planning commission and the city council are possible when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof."

Based on the above justifications, as well as the below analysis of required findings, the proposed project merits rezoning to Planned District to allow the development of the site at density levels identified in the City's Housing Element, as well as the variations to the standard R-G and R-3 zoning requirements for siting and setbacks.

Required findings for a Planned District rezoning:

- (a) The proposed "P" district, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district.

Comment: The project can be completed within this period of time.

- (b) Each individual unit of development, as well as the total development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district.

Comment: The proposed residential land use is consistent with the Housing Element of the City's General Plan. The applicant has incorporated many features including high quality architecture, site design and landscaping as well as the required affordable housing component. The project will have a beneficial effect that could not be achieved under a standard zoning district because the Planned District will allow the development the flexibility necessary to respond to the unique constraints found at this location.

- (c) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the "P" district.

Comment: Mission Boulevard is a major thoroughfare throughout the City of Fremont, and at this location in front of the proposed project. The increased traffic from twenty-five residential units will not be a substantial increase for Mission Boulevard. Walnut Avenue will have only a right-turn-in and right-turn-out driveway and will also not be negatively affected by this project. Both Mission and Walnut are already improved along the frontage of this site.

- (d) Any proposed commercial development can be justified at the locations proposed to provide for adequate commercial facilities of the types proposed.

Comment: The proposed project is a residential project, and this finding is not applicable.

- (e) Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council.

Comment: Through the Planned District process, the applicant is requesting approval of modifications to the Zoning Ordinance. As discussed previously, the applicant has incorporated many features that warrant an exception to the standard ordinance requirements.

- (f) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

Comment: The area surrounding the development is fully developed and compatible with the proposed development.

- (g) The "P" district is in conformance with the General Plan.

Comment: The project conforms to the goals and policies of the Housing Element of the City's General Plan, as well as the goals and policies of the Land Use Chapter. The proposed General Plan Amendment will bring the proposed density into alignment with the Housing Element goals of the General Plan as well. This finding can be made.

- (h) That existing or proposed utility services are adequate for the population densities proposed.

Comment: The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.

Architecture: The project architect has proposed a contemporary version of the craftsman style for the condominiums. The classical craftsman style, derived from the arts and crafts movement in architecture, originated in Southern California in the early 1900's and rapidly spread throughout the country. Craftsman style house construction reached its highest levels from 1905 through the 1920's, and included such details as low pitched, gabled and/or hipped roofs with wide, unenclosed eave overhangs, exaggerated exposed rafters, beams, and braces, incorporation of porches and balconies, and emphasized structural systems and details.

The proposed contemporary craftsman style of this project incorporates many of the features of the classical craftsman style while using contemporary materials and details for example blond brick in lieu of traditional red brick. The project design includes large patios on many floor plans, which also help to tie the project to the street, and large, upper balconies/decks on the others. Natural wood railings, brackets and braces, and posts are proposed to be painted, giving them a more contemporary appearance. The exterior of the buildings is a combination of stucco, brick veneer, and horizontal lap siding, with raised trim at the windows. The overall form of the structures also include a large amount of detailing, variation, and articulation at all elevations, which will provide interesting views from all angles while also

breaking up the massing of the structures. Flat concrete tiles are proposed for the roofing material. Two color schemes are proposed with each incorporating a variety of tan, rust, ocher, and brown shades and including the blond brick.

A noise/vibration study was prepared for this project due to its proximity to both Mission Boulevard and the railroad tracks. These issues required specific mitigations and site and architectural design solutions such as setbacks from the railroad tracks and foundation design.

Open Space/Landscaping: The currently vacant site has 23 existing trees. However, based on an arborist's report, all the trees are of poor quality, "generally dead or severely declining". The trees are all fruit or nut trees, and are all proposed to be removed as part of this project. The City Landscape Architect is in agreement with the proposed removal of the trees. The site will be completely landscaped as part of the project, including new trees, shrubs, groundcovers and turf. A double row of street trees (Aristocrat Pear) and private trees will be installed along Mission Boulevard, and trees will also be provided at the internal drive aisles for shading and screening. London Plane trees are proposed for Walnut Avenue. An integrated concrete pedestrian circulation system will be provided on site tying the units to the public sidewalk system on Mission Boulevard and Walnut Avenue, and steps, retaining walls, and sound walls will be provided as shown on plans. A large central open space/activity area is provided at the center of the site for residents' use. The central activity area is proposed as turf to allow the maximum amount of flexibility for future uses, and will also be ringed with trees. Landscaping will be maintained by the Home Owners Association.

Parking: Section 8-220039(a)(2) of the FMC requires two parking spaces per unit for multi-family projects with units of two-bedrooms or larger; one covered plus 0.5 uncovered for residents, and 0.5 uncovered for guests. The required parking for 25 units is 50 parking spaces. The applicant has provided onsite a total of sixty spaces (2.4 spaces per unit). This includes forty-five covered parking spaces (1.8 spaces per unit) and fifteen uncovered spaces (0.6 spaces per unit). The project exceeds parking requirements.

Circulation/Access Analysis: The project site is located on the western corner of the Mission Boulevard and Walnut Avenue intersection. The applicant proposes two new driveways, one driveway on Mission Boulevard and one driveway on Walnut Avenue, to provide access to the project site. Both driveways shall be limited to right-turns in and out due to existing median islands on Mission Boulevard and Walnut Avenue.

On-site vehicle circulation is provided by a private vehicle access way (PVAW), a type of private street used for condominium and townhouse projects. Article 21.3 of the Zoning Ordinance, Special Provisions Applying to Miscellaneous Uses, requires all condominium projects conform to the provisions of Article 20 (parking code) and the development policy for private vehicle access ways (FMC 8-22135(3)(a)).

The development policy for private vehicle access ways adopted by City Council, establishes guidelines for developments which use PVAWs. Due to the design of the project and size/shape of the project site, the following PVAW principals and standards are not being met with this project:

- PVAW Policy #6: All private vehicle access ways are to be a minimum of twenty-four feet wide (clear width) in those portions where no parking is allowed directly off the access way. An additional four-foot width is required on the side of the access way wherein right angle enclosed parking is provided. An additional two-foot width is required on the side of the access way wherein right angle carport or uncovered parking is provided.

Analysis: For the most part the project complies with this PVAW policy. The only area where the additional pavement width is not provided is at the surface parking stalls along the western boundary, where only twenty-four feet, instead of twenty-six feet, of backup pavement is provided. Due to the shape of the project site and the design of Building C, the applicant is requesting deviation from the PVAW policy as part of the Planned District application.

- PVAW Policy #8: Minimum edge of pavement radius is to be twenty feet, except for "turn around" facilities.

Analysis: The "Site Layout Plan" does not include radial curb dimensions at changes in direction on the PVAW. A twenty-foot pavement radius is possible next to Building C and Building E, but not at Building F. Deviation from the strict interpretation of this PVAW policy is proposed as part of the Planned District application.

- PVAW Policy #15: A walkway connection is to be provided from the private vehicle access ways to the main pedestrian pathway system. A 3.5 foot sidewalk shall be provided on both sides of the private vehicle access way.

Analysis: The size of the project site and the design of the units restrict the amount of available area for pedestrian facilities. Buildings A and B are the only buildings with units which lack a direct, dedicated pedestrian path from the units to the public sidewalk and to the on-site pedestrian pathway system. One unit in Building A has a direct pedestrian connection to Mission Boulevard. The residents of the other unit in Building A and of the two units in Building B will have to walk through the vehicular part of the PVAW in order to link up to the public sidewalk or on-site pedestrian paths.

Several recent townhouse and condominium projects have been approved without sidewalk on both sides of the PVAW, typically because the front door of the units are on the opposite side of the building from the garage (as is the case for Buildings C, D, E, and F). In this project, three units out of twenty-five lack dedicated pedestrian connections. The applicant is requesting deviation from the PVAW policy for these three units as part of the Planned District application.

Street Improvements: Mission Boulevard and Walnut Avenue bound two sides of the project site. Both streets are classified as arterials in the General Plan. Some of the required right-of-way, pavement, medians, curb, gutter, and sidewalk have been completed as part of past public works projects. This project is required to fulfill the right-of-way dedication requirements and complete the street improvements along the project frontage. The following outlines the street improvement and right-of-way dedications for the project.

Mission Boulevard, also known as State Highway 238, is a major north-south arterial with two lanes in each direction. The developer shall dedicate right-of-way and install complete street improvements up to the centerline of Mission Boulevard. Street improvements shall include, but are not limited to, installation of sidewalk, landscaping, irrigation, and undergrounding of the existing overhead utilities within the project's Mission Boulevard frontage. Encroachments into Mission Boulevard are subject to review and approval of both Caltrans and the City of Fremont.

Walnut Avenue is a major east-west arterial with two lanes in each direction. Right-of-way dedication is not required, but complete street improvements to the centerline of Walnut Avenue are required. Street improvements shall include, but are not limited to, installation of landscaping, irrigation, and relocation of existing utilities and streetlights.

Public Service Easement: The developer shall dedicate a minimum six-foot wide public service easement (utilities) along the entire project frontage.

Grading/Topography: The project site is predominantly flat and is currently unimproved. A few trees are currently within the site, but these trees are proposed for removal with this project. Further detail regarding proposed grading and drainage is required when the tentative tract map and preliminary grading plan applications are submitted following the Planned District rezoning.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

View Impacts: The project site and surrounding area is effectively flat with little grade or slope. Maximum height of the proposed structures is 38 feet measured to the ridgeline of the roofs, which is less than what is typically allowed in R-G (45 feet) or R-3 (50 feet) zoning districts, measured to the midpoint of the roof. Additionally, the project is well buffered from surrounding residential uses by Mission Boulevard, Walnut Avenue, the railroad tracks and Overacker Avenue, and the existing church. This project will not have any significant view impacts.

Applicable Fees:

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

School Impact Fees: If the proposed General Plan amendment is recommended to the City Council and approved, any subsequent development project will be subject to school impact fees.

Waste Management: This project involves residential construction and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. Each unit in this development is proposed to have individual trash and recycling carts. BFI Waste Services has approved a site plan indicating the proposed locations of the carts.

Environmental Analysis: An Initial Study and Draft Mitigated Negative Declaration, has been prepared for this project. The environmental analysis identified concerns regarding potential impacts to Hazards and Hazardous Material, Cultural Resources, Noise, and Air Quality. A noise/vibration study was prepared for this project due to its proximity to both Mission Boulevard and the railroad tracks, and has detailed required mitigations in order to reduce interior and exterior noise levels to meet General Plan standards. These measures include mechanical ventilation requirements, window ratings, and sound wall construction. Site design has been oriented to insure that the project will also meet the vibration standards of the Federal Transit Authority of the U.S. Department of Transportation (the City of Fremont does not currently have standards for vibration levels). These issues required specific mitigations and site and architectural design solutions such as setbacks from the railroad tracks and foundation design. The soil investigation for the site found higher than expected levels of arsenic. Further contamination characterization and cleanup of the site shall be completed prior to any site preparation, grading or construction on the site. This is a required mitigation to meet General Plan standards. The Draft Negative Declaration includes mitigation measures to meet General Plan standards, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures will be included as a Mitigation Monitoring Plan. A more detailed description of the potential impacts and mitigation measures are provided within the Initial Study for the project, which is included as an enclosure.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval by the City Council, as required by Public Resources Code section 21089 (see attachment to draft Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission.

Response from Agencies and Organizations: No outside response or comment had been received at the time of publication of this report.

Enclosures: Exhibit "C" Site, Architecture, and Landscape Plans
Initial Study and Draft Mitigated Negative Declaration
Applicant's Justification Statement

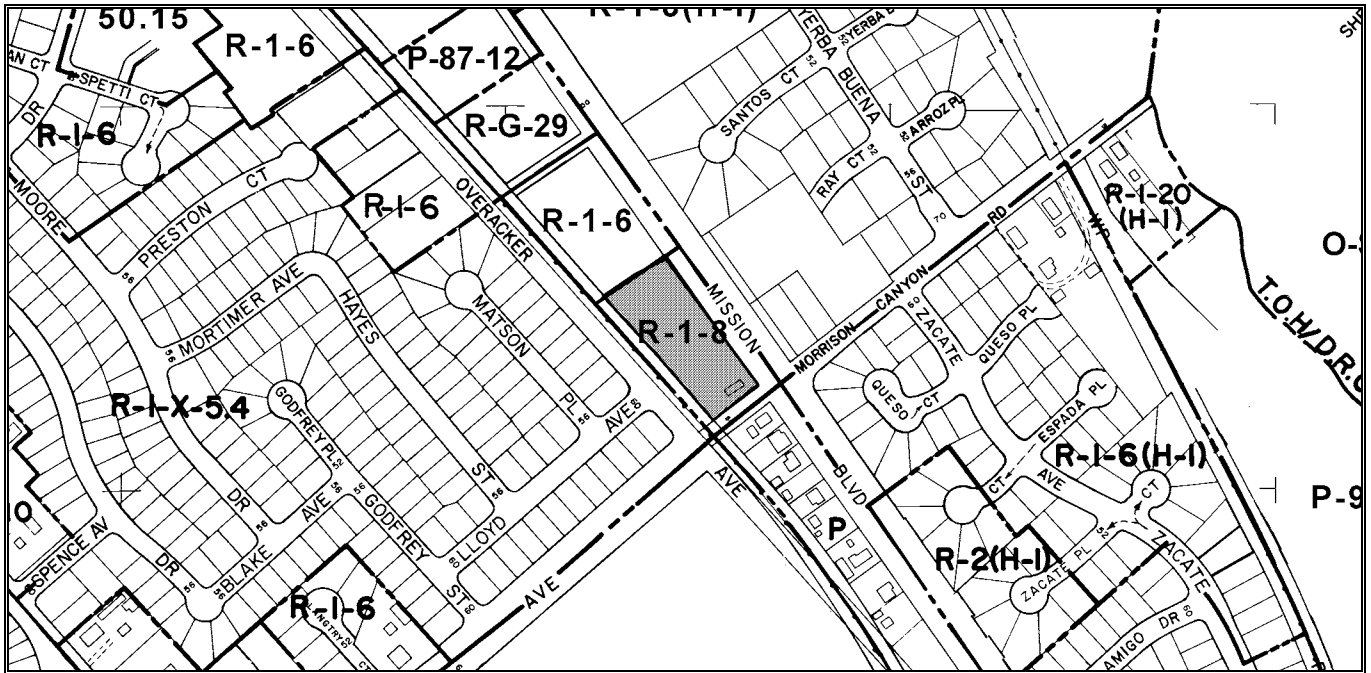
Exhibits: Exhibit "A" General Plan Amendment
Exhibit "B" Rezoning
Exhibit "C" Site, Architecture, and Landscape Plans

Recommended Actions:

1. Hold public hearing.
2. Recommend the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend the City Council approve a Mitigated Negative Declaration with a Certificate of Fee Exemption and find it reflects the independent judgment of the City of Fremont.
4. Find PLN2003-00176 and PLN2004-00032 are in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report.
5. Recommend PLN2003-00176 and PLN2004-00032 to the City Council in conformance with Exhibit "A" (General Plan Amendment) and Exhibit "B" (Rezoning Exhibit).

Existing Zoning

Shaded area represents the Project Site



Existing General Plan

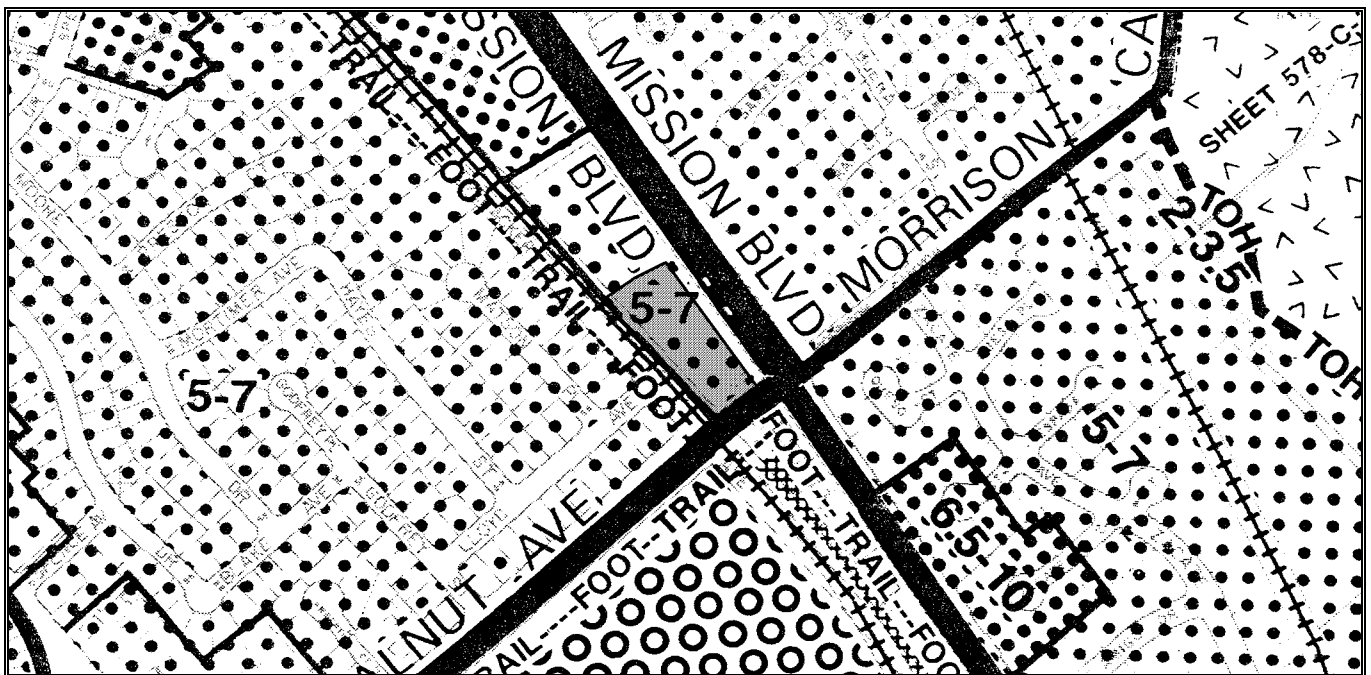


EXHIBIT "A"

Attached to and made a part of

Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20 03** .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE CENTRAL PLANNING AREA



From: Residential, Low 5-7 du/ac
To: Residential, Med 15-18 du/ac

[pc on 11-20-03] 72-388, 72-392

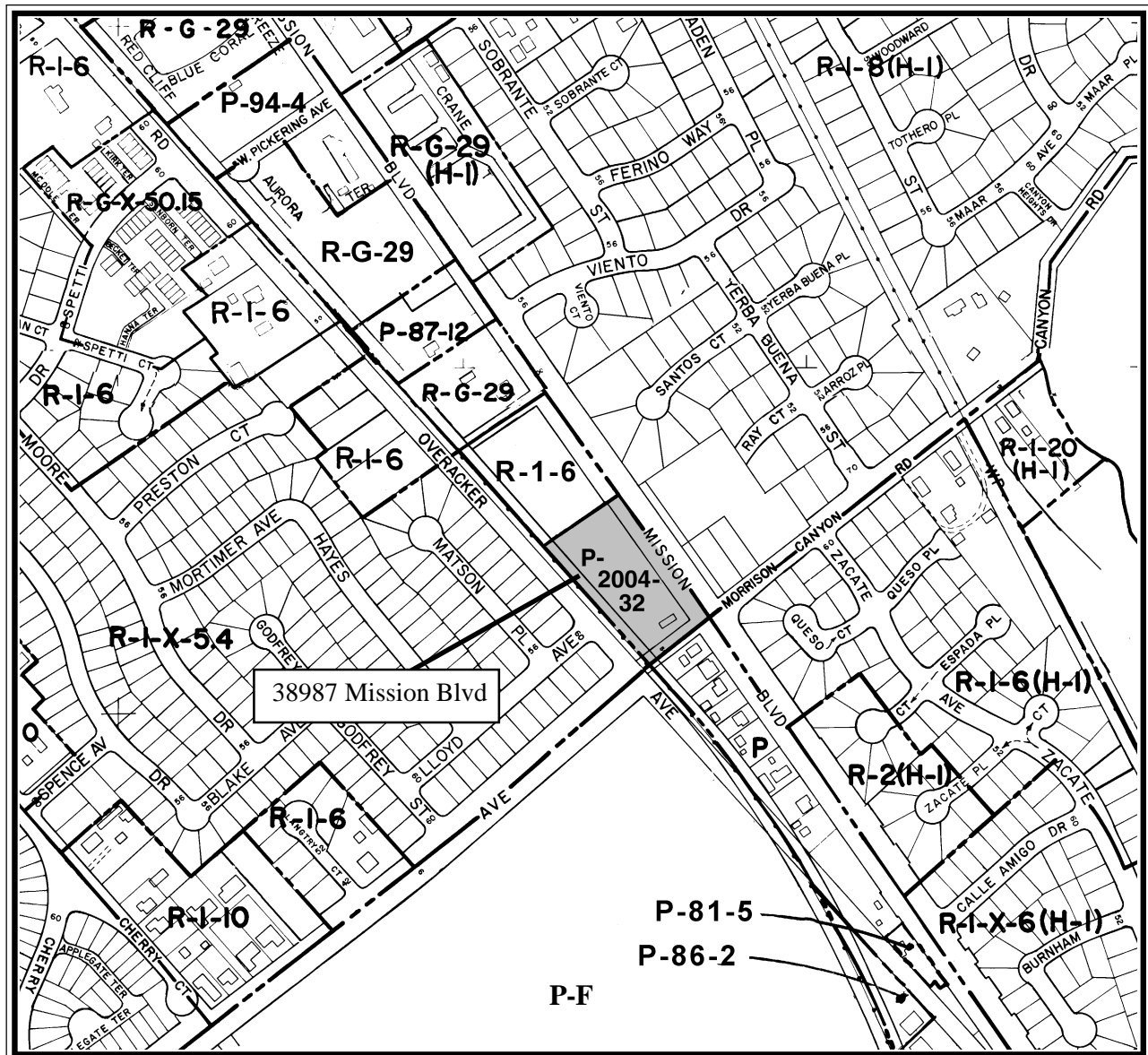
Project Name: Walnut/Mission

Project Number: PLN2003-00176 (gpa), PLN2004-00032 (pd)

BSM

On the _____ day of _____, 2003.

AFFECTS ZONING MAP(S) FOR THE CENTRAL PLANNING AREA



Project Number: PLN2003-00176 (gpa), PLN2004-00032 (pd)

[pc on 11-20-03] 72-388, 72-392